IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.16501 OF 2006

Date of decision : October 27, 2006

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Mamta Sharma and another .....Petitioners

Vs.

State of Punjab and others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. B.S Sra, Advocate for the petitioner(s).
Mr. Sukhdip Singh Brar, Additional Advocate General, Punjab for respondents no. 1 and 4.
Mr. T.S Dhindsa, Advocate for respondents no. 2 & 3.

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Viney Mittal, J. (Oral)

The petitioners have approached this Court challenging the Clause 8(b) and Clause 7 (d)(v) of the Ordinance issued by Baba Farid University of Health Sciences-respondent no.2. Additionally, the petitioners have prayed that respondent-University be directed to issue roll numbers to the petitioners and allow them to take examination of Fourth Year Professional Examination along with the supplementary examination of third year to be conducted by the University in November, 2006.

After hearing learned counsel for the parties and taking into consideration the averments made by the petitioners, which are not even disputed by the respondent-University, in any manner, we find that the controversy in the present case stands concluded in favour of the petitioners

by a judgement of this Court passed by one of us (Viney Mittal, J) in `**Aseempreet Kundi and another Vs. State of Punjab and others'** rendered in **CWP No.5843 of 2004** decided on **March 8, 2006**. A similar challenge was made to various ordinances in **Aseempreet Kundi's case (Supra)**, but the said clause of the ordinances were upheld. However, on an harmonious construction of various clauses, certain directions had been issued to the University.

In view of the fact that we find that the controversy in the present case is squarely covered by a judgement in Aseempreet Kundi's case (Supra), and for the reasons in the said judgement, we allow the present petition and direct the respondents to issue roll numbers to the petitioners and to allow them to take Examination of 4th year Professional B.P.T Course along with the supplementary Examination of third year to be conducted by the University in November 2006.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

October 27, 2006
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(H.S BHALLA)
JUDGE